

Summary Notes		Washington State Department of Health Office of Environmental Health & Safety <i>School Rule Development Committee Meeting</i> June 28, 2005	
Facilitator	Mark Soltman	Note Taker(s):	Nancy Bernard, Bobbi Berry, Meliss Maxfield
Attendees:	<p>Thelma Simon, parent alternate; Mark Cooper, Parent; John Wolpers, EHD, Eastside; Corinne Story, EHD, Westside; Brenda Hood, OSPI; Julie Awbrey, EH Eastside; Dave DeLong, EH Westside; Mike Gawley, WEA; Bill Chaput, CEFPI; Mary Sue Linville, WASBO; Janice Doyle, SNOW, Shirley Carstens, SNOW alternative; Jim Kerns, WASBO alternate, Ed Foster, WFIS; Gary Jefferis, WAMOA; Karen Van Dusen, UW EH&amp;S (PM); Diane McMurray, WSPTA; June Sine, WSSDA;</p> <p>Staff: Mark Soltman; Kelly Cooper; Tim Hardin; Nancy Bernard; Meliss Maxfield, Bobbi Berry</p>		
Absentees:	Paul Clark, WAMOA alternate; John Richards, OSPI alternate; Greg Bawden, WSSDA, alternate;		
Guests:	Denise Frisino, teacher		
AGENDA ITEM		DISCUSSION	
<b>Welcome &amp; Introductions</b> Desired Outcomes: Review agenda & events of the day		<p>No additions or corrections to the Draft Summary Notes for 6/15/05.</p> <p>Mark Soltman: Consideration of the proposals from the technical workgroups was completed at the last meeting. Today's meeting will be for discussion of the outstanding topics that were voted on last meeting in more detail.</p> <p>We are looking for points of agreement on the topics today which will help put together the final proposals for consideration at the final meeting on July 12<sup>th</sup>.</p>	
AGENDA ITEM		DISCUSSION	
<b>Development of Functional Performance Standards</b> Desired Outcomes: Identify the issue(s) relating to this topic, clearly state the problem(s) and describe the desired outcome. With this information, brainstorm possible solutions.		<p>Introduction:</p> <ul style="list-style-type: none"> <li>- Summarizing topic: Referred to WAC 180-27-080 requiring and paying for value engineering studies, constructability reviews, and building commissioning on state match projects exceeding 50,000 ft<sup>2</sup> (optional for 15,000-50,000). One of the objectives for DOH is to make sure that we don't re-write other agency rules but to also make sure we are putting what we need to into the rules. Issue has been raised as to whether there needs to commissioning on smaller projects and on non-state match projects to ensure school EH&amp;S. VE is an assessment to help control costs and maximize value. CR is to determine that the building can be built as designed. Functional performance standards are proposed as a way to cover all 3 areas.</li> </ul> <p>Discussion:</p> <ul style="list-style-type: none"> <li>- Schools are looking for value as well as saving costs. You can commission any part of a building but it is usually on mechanical areas</li> <li>- Commissioning is usually mechanical and technical and some of the smaller items might be key holes, fire security systems but the major item is the HVAC.</li> <li>- Concerns regarding who is going to pay for the constructability and commissioning operations</li> <li>- Functional performance standards desired so that the contractors are not paid until systems function according to code/design.</li> <li>- fire alarms, kitchens, bathrooms, are all inspected by regulatory agencies before the building is occupied, not so with the HVAC systems</li> <li>- discussion of the desirability of OSPI to have qualified inspections done on all schools to make sure that everything is up to code and in compliance</li> </ul>	

	<ul style="list-style-type: none"> <li>- Small schools need more support. Short-staffed agencies and remote school district buildings are inspected on a less frequent time schedule and sometimes things are covered up but the larger school districts tend to stay up to code and have the qualifications to keep the building up to code.</li> <li>- The regulations are in place. All the agencies need to come together and figure out how to enforce the regulations. Creating a new rule will not solve the problems we are having. An unfunded rule is very difficult to enforce.</li> <li>- Discussion among the committee agrees with the regulations being there and that there isn't the man power or funding to make sure that additional rules will be followed through</li> <li>- If there are some of these issues in rule, yes the contractors can be accountable.</li> <li>- How can the DOH create a mechanism that would bring all the "agencies or information" together so that the current regulations can be enforced as a team? How to meet capacity needs for oversight &amp; assurance functions?</li> <li>- Building code council has a built in mechanism that does address the "failures"</li> </ul>
<b>SUMMARY</b>	Mark Soltman summarized the group discussion to make sure that we have captured what the committee's issues are.

<b>Break 10:14 - 10:26 am</b>	
<b>AGENDA ITEM</b>	<b>DISCUSSION</b>
<b>Roles &amp; Responsibilities for Local Health Jurisdictions</b> Desired Outcomes: Identify the issue(s) relating to this topic, clearly state the problem(s) and describe the desired outcome. With this information, brainstorm possible solutions.	<p>Introduction:</p> <ul style="list-style-type: none"> <li>- DOH does not have jurisdiction in schools under WAC 246-366. Enforcement is the LHJ's responsibility. LHJ EH programs are generally fee and grant supported not local taxes. Therefore, in general, only those LHJs where their local BOH has authorized a fee for school inspections perform them. All do plan reviews and pre-opening inspections, and food service inspections. These are supported by fees. LHJs also respond to complaints relevant to EH&amp;S.</li> </ul> <p>Discussion:</p> <ul style="list-style-type: none"> <li>- Capacity and consistency is a large issue for LHJs - schools do have to pay for the program - for some areas this is working very well.</li> <li>- ESD 101 supports school EH&amp;S throughout their area in a unique and successful program.</li> <li>- LHJs work understaffed and do the best they can with consistency with training and inspections</li> <li>- Coordinating with the insurance agents, DOH and LHJs for inspections is important so overlapping of the inspections from each agency does not happen</li> <li>- Only 11 of 35 LHJs have school inspection programs.</li> <li>- DOH provides training and writes the rules, but does not oversee the LHJ's</li> <li>- How can we develop more capacity? That is one of the major issues we might want to be discussing.</li> <li>- If the LHJ is not in compliance with the rule, where is an individual suppose to get help with compliance; what is the best system to enforce the LHJ to comply?</li> <li>- Conformity and training across the state are needed; we then know what to expect from the LHJ inspection.</li> <li>- DOH needs to step up and take a role in compliance and training</li> <li>- In defining rules, we need to come up with minimum standards with</li> </ul>

	<p>enforcement - don't waste the resources you have on recommendations, use the resources on the required standards</p> <ul style="list-style-type: none"> <li>- Committee discussed the role of the LBOH in deciding programs and fees for their jurisdiction.</li> <li>- Health and Safety issues should be inspected by Health &amp; Safety Inspectors; the support for training from DOH should be there</li> <li>- OSPI and DOH should work together and train school officials as well as the Local Health Department Officials</li> <li>- Health Departments should be able to assign a citation for non-compliance with the rules</li> </ul>
<b>SUMMARY</b> <b>11:26</b>	Mark Soltman summarized the group discussion. There are enforcement areas that DOH needs to be involved in and will be discussed at the next meeting after the staff puts together proposals

AGENDA ITEM	DISCUSSION
<p><b>School EH&amp;S Rules / Enforcement Mechanisms &amp; Provisions</b></p> <p>Desired Outcomes: Identify the issue(s) relating to this topic, clearly state the problem(s) and describe the desired outcome. With this information, brainstorm possible solutions.</p>	<p>Introduction:</p> <ul style="list-style-type: none"> <li>- Enforcement is by the LHJ, without fines such as L&amp;I &amp; EPA use. Schools generally want to follow health and safety rules and guidance. The local Health officer has wide powers in imminent danger situations, but would work cooperatively with the school.</li> </ul> <p>Discussion:</p> <ul style="list-style-type: none"> <li>- The K12 H&amp;S Guide provides a framework for corrective actions, addressing priorities, and capacity issues.</li> <li>- The rules are in place, the issue is non-compliance of the rules</li> <li>- Some believe that the system now works well. Health officers prefer to work with the schools officials, handing out citations is not the way the health officers prefer to work with the schools</li> <li>- This issue seems to be more political than regulatory. School Boards are responsible for compliance with the WACs</li> <li>- OSPI funded a position in the State Fire Marshall's Office to provide plan review and inspection for those jurisdictions without the services of a Fire Marshall. Now supported through general funds.</li> <li>- The WAC needs to contain an enforcement section - a well balanced system installed - training and working together with all agencies to make sure everyone is in compliance are the main issues</li> <li>- Because schools are a state wide issue, we need to be consistent. In order to do this the State Department of Health needs to be the enforcers on these issues over the LHJ and LBOH, establish an appeal process.</li> <li>- Issue of rural capacity &amp; qualified staff, funding - perhaps consider a regional model to provide trained &amp; qualified school inspection personnel.</li> <li>- Possibly have the non-compliant school be passed on to OSPI for a more highly involved inspection</li> </ul>
<b>SUMMARY</b>	Mark Soltman summarized the group discussion; staff will prepare proposals for the July meeting.
<b>Lunch- 12:10 - 1:13</b>	

AGENDA ITEM	DISCUSSION
<b>Roles &amp; Responsibilities for Department of Health</b> Desired Outcomes: Identify the issue(s) relating to this topic, clearly state the problem(s) and describe the desired outcome. With this information, brainstorm possible solutions.	<p>Introduction:</p> <ul style="list-style-type: none"> <li>- No reporting (data collection) mechanism to DOH on injuries &amp; DOH has no authority to investigate accidents. This handicaps the development of training &amp; guidance.</li> <li>- There have been 2 small playground injury studies in the state in the last 15 years.</li> <li>- DOH's role is training and consultation in school EH&amp;S</li> <li>- DOH has no enforcement authority under WAC 246-366</li> </ul> <p>Discussion:</p> <ul style="list-style-type: none"> <li>- Risk pools collect claims data</li> <li>- Student Injury Report Project reports student injuries, database exists, though not all schools use</li> <li>- Asthma tracking project between DOH and OSPI</li> <li>- DOH training consists mainly of guidance training and providing informational materials as needed</li> <li>- Brainstorming idea - LHJ inspectors must obtain training from DOH every so many years so that they are up on the current laws</li> <li>- Discussion of how different LHJs maintain consistency with-in their jurisdiction</li> <li>- Department of Health Scope of Authority - RCW 43.70.130 is quite broad, but not utilized.</li> <li>- DOH needs to be the one to give the direction of unanimously working together to accomplish our goals</li> <li>- Roles - Training, Attempt data collection - consistency gaps</li> <li>- Could possible work with L&amp;I mandated school safety committees; participation can be an issue, and they're only charged with staff safety, but might expand.</li> <li>- Some safety committees involve parents and students</li> </ul>
<b>SUMMARY</b>	Mark Soltman summarized the group discussion; staff will prepare proposals for the July meeting.

AGENDA ITEM	
<b>Statewide Capacity for Design Review &amp; Construction Oversight</b> Desired Outcomes: Identify the issue(s) relating to this topic, clearly state the problem(s) and describe the desired outcome. With this information, brainstorm possible solutions.	<p>Introduction:</p> <ul style="list-style-type: none"> <li>- All LHJs conduct plan reviews and pre-opening inspections under WAC 246-366, but capacity for this varies. Some do very few and don't feel that they can keep skills up. In some areas, LHJs do not receive the school plans in a timely manor. There is a need for training.</li> </ul> <p>Discussion:</p> <ul style="list-style-type: none"> <li>- Idea: regionalize plan reviews</li> <li>- There are a lot of areas of overlap, building dept and fire dept work together on this issue - why isn't the health dept involved?</li> <li>- LHJ should be involved just as the other agencies to ensure that the regulations are followed</li> <li>- Everyone should be involved in design development - stage of erase and redraw instead of rebuild</li> <li>- Occupancy needs a sign off by the LHJ</li> <li>- The K12 H&amp;S Guide is a very important tool for plan review - also wanting to use the k12 to come up with a new plan review tool</li> <li>- Construction over site -can OSPI construction staff experts work with the smaller districts?</li> <li>- Smaller school districts need guidance when it comes to construction oversight. OSPI currently doesn't have construction oversight authority</li> </ul> <p><b>Other outstanding issues:</b></p> <ul style="list-style-type: none"> <li>- Concerns regarding the non-coverage of preschools</li> <li>- Could DOH reword the WAC to include preschools?</li> <li>- Concern with the lack of a requirement for health rooms.</li> </ul>

<b>SUMMARY</b>	Staff will put proposals together regarding the top 5 outstanding issues and 7a and 7b. Suggestion that the rest of the work could be completed by email. Staff will develop the proposals and make a recommendation regarding the need for the July 12 <sup>th</sup> meeting.
<b>Handouts</b>	
-Agenda -Outstanding Topics Not Addressed by Workgroups, ranked from the June 28 <sup>th</sup> meeting -Draft Summary Notes for June 15, 2005	Adjourn Next Meeting: Tuesday July 12, 2005, 9 AM-4 PM Fife School District Administration Building, Board Room

<b>HANDOUTS</b>	
1. Agenda 2. Outstanding Topics Review 3. Draft Summary Notes from June 15, 2005	Adjourn: 2:56 PM Next meeting: Tuesday July 12, 2005, 9 AM - 4 PM Fife School District - Administration Center